

REMARKS

Claims 1-20 remain for reconsideration. Claims 21-47 have been previously cancelled without prejudice or disclaimer.

By way of procedural background, the present application has had numerous Office Actions since the year 2000 and finally ripened to appeal. On September 19, 2005, Applicants filed an Appeal Brief with the Board. In response, Examiner Jackson did not prepare an Examiner's Answer as required under 37 CFR 41.39, but rather issued a non-final Office Action which did not even appear to acknowledge the Appeal Brief nor appear to raise any new ground of rejection. This was improper.

Applicant's filed a response to that non-final Office Action requesting that the appeal be reinstated. Instead, the Examiner has withdrawn all previous rejections and again come back with new art. It is Applicants hope that after six years of within the Patent Office, the Examiner has done a thorough search and this case will move forward.

A new ground of rejection has been set forth as follows: All claims stand rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent 6,430,174 to Jennings. This rejection is respectfully traversed based on the following discussion.

Briefly, embodiments of the present invention are generally directed to systems and methods for authenticating the identity of a second user or caller to a first caller conversing on telephone through a media gateway. As discussed for example on page 27, lines 17-20, embodiments of the present invention are used for “enabling the provision of authentication or identification services to an end-user regarding a caller during or on a call” (emphasis added). As further discussed, for example at page 29, lines 1-4, “...the client device 28 receives a request to “remote authenticate”. For example, the request may be initiated by the Authenticator invoking the authentication feature on his/her client device, such as by speaking a voice command or dialog command into a dialog system or a dialog management module” (emphasis added).

Thus, according to embodiments, a caller, during a call, may authenticate the caller on the other end of the line simply by speaking a voice command during the call.

Independent claims 1 as previously amended recites:

“...establishing a telephone call between the first user and the second user through a media gateway;

detecting a voice command from the first caller during the telephone call;

requesting a certificate corresponding to the second user from an authentication server in response to the voice command...” (emphasis added).

Similarly, independent claim 11 recites “... in response to a voice command of the first user requesting authentication of the second user, is configured to receive a certificate corresponding to the user of the second client device and the authentication certificate from the authentication server and being configured to authenticate the user of the second client device...” (emphasis added).

It was previously successfully argued that one party authenticating another party simply by a “voice command” was not taught or suggested by Khidekel or Schwartz (the references previously relied upon to reject the claims and overcome).

The present reference to Jennings appears to suffer from the same omissions as the previous references. Indeed, on page 2 of the Office Action, where the Examiner analyzes independent claims 1 and 11, the Examiner cuts and pastes recitations from claim 1 and then in parenthesis cites random column and line numbers where these things are allegedly taught by Jennings.

However, the Examiner ignores entirely the recitation in each of the independent claims directed to “the voice command”. It is simply not addressed by the Examiner. The recitation of the voice command recitation appears twice in claim 1, the basis for the Examiner’s analysis, and both times it was skipped over and omitted completely in the Examiner’s discussion. This

is not surprising since nothing in Jennings appears to teach or suggest this claimed feature.

Here, Jennings does not teach the identical invention and is therefore improper under 102. Further, since all of the claimed features are not taught or suggested, this reference also does not make a case for *prima facie* obviousness under 103.

In view of the foregoing, it requested that the application be reconsidered, that claims 1-20 be allowed and that the application be passed to issue. Please charge any shortages and credit any overcharges to Intel's Deposit Account number 50-0221.

Respectfully submitted,

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